IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

CHAMBER SUMMONS NO.107 OF 2000
IN
APPEAL NO.385 OF 1997
IN
WRIT PETITION NO.3547 OF 1987

Pamo s/o.Thakurdas Lala — Appellant

cvs.

1.The Maharashtra Housing and
Area Development Authority & ors. — Respondents

and

1.Mrs.Mona w/o.Pamo Lala & anr. — Applicants

Ms.Ritu Singh for Mr.G.K.Masand for the applicants.

Mr.S.R.Rajguru for the respondents.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 21st November 2005

P.C.

The sole appellant-Pamo Thakurdas Lala is said to have died on 25.7.1999. His wife and son by means of this chamber summons pray for bringing them on record after condoning the delay.

2. The chamber summons for substitution has been taken out on 15.1.2000. It is true that there is some delay in making the application for substitution in time, but for the reasons stated in the affidavit in support of the chamber summons, we are satisfied that the applicants were prevented by sufficient cause in making the application in time.

3. The respondents have not chosen to file any reply in

opposition to the chamber summons.

4. We are thus satisfied that chamber summons deserves to be granted in terms of prayers (a), (b), (c) and (d).

We grant the chamber summons accordingly.

5. Prayers (a), (b), (c) and (d) read thus:

> (a) That delay in taking out the present chamber summons be kindly condoned.
>
> (b) That this Hon'ble Court will be graciously pleased to set aside the abatment of the Appeal.
>
> (c) That Applicants herein, being the wife and son respectively of deceased Appellant Shri Pam s/o. Thakurdas Lala be brought on record of the present Appeal as appellant nos. 1a and 1b in place and stead of the original appellant as his heirs and legal representatives.
>
> (d) That wherever necessary, Applicants be granted liberty to carry out necessary amendments.

6. Necessary amendment be carried out within two weeks from today.

7. Chamber summons stands disposed of.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)